# Information/Action

Fiscal Policy and Planning Committee of the Whole

Proposed Legislative Reports Due to the Joint Legislative Budget Committees and the Department of Finance

**Executive Summary:** This agenda item is intended to inform the Members of the Commission about the two proposals regarding discipline issues, and one report regarding credentialing issues, as required by the 2005 Budget Act. In addition, staff will seek approval to submit the information to both the Joint Legislative Committees and the Department of Finance by December 15, 2005.

**Recommended Action:** Commission staff seeks the approval to submit the proposals and report to both the Joint Legislative Committees and the Department of Finance by December 15, 2005.

**Presenters:** Mary Armstrong, Division Director, Division of Professional Practices, Crista Hill, Division Director, Fiscal and Business Services Section, Dale Janssen, Certification, Assignment and Waivers Division

## Strategic Plan Goal:

Continue effective and appropriate involvement of the Commission with policymaker's on key education issues.

- Respond to policymaker's information inquiries.
- Collaborate with and advise appropriate agencies.

# Proposed Legislative Reports Due to the Joint Legislative Budget Committees and the Department of Finance

## Introduction

As part of the 2005 Budget Act, signed into law by Governor Arnold Schwarzenegger on July 11, 2005, the Commission on Teacher Credentialing (Commission) required to submit two proposals regarding teacher discipline issues and a report on the Commission's ability to streamline additional workload in the Certification, Assignment and Waivers Division.

This item is intended to inform the Members of the Commission on the salient points of the two proposals and the report, and seek approval for staff to submit the information to the Department of Finance, the Joint Legislative Budget Committee, and the chairs of the Committees that consider appropriations as required by the December 15, 2005 due date.

It is important to note that at the October 6, 2005 Commission Meeting, Chair Leslie Peterson-Schwarze indicated that due to overwhelming workload with the pending lawsuit (CFJ v CTC), she was going to request a 30-day extension for the two discipline proposals that were initially intended to be submitted by November 15, 2005. This would ensure Members of the Commission had adequate time to review and approval the proposals at the next Commission Meeting. The request was submitted on October 6, 2005 to both the Joint Legislative Budget Committee and the Department of Finance and at the time the agenda was prepared, there had not been any issues raised with the request.

# **Background**

On June 6, 2005, the Legislative Budget Conference Committee took action on the Commission's budget and added Budget Bill language. The Conference Committee's action was included in the final Budget Bill process and signed by the Governor. Provisions 8, 9 and 10 of Item 6360-001-0407, in the 2005 Budget Act, requireS the Commission to submit detailed proposals and a report to the Department of Finance, the Joint Legislative Budget Committee, and the chairs of the Committees that consider appropriations regarding the following:

Provision 8: "the feasibility of relying on internal legal counsel rather than Attorney General representation at administrative hearings. The proposal shall include a comprehensive description of the option, a review of how it has worked at other state agencies, an explanation of how and when it could be implemented, and a refined estimate of the associated savings. (The Commission's preliminary estimate of potential savings is \$927,000)"

Provision 9: "the feasibility of establishing fees for disciplinary reviews and associated disciplinary actions. The proposal shall include a comprehensive description of the option, explain how and when it could be implemented, and identify the associated savings. (The Commission's preliminary estimate of potential savings is \$2,900,000)"

Provision 10: "on its efforts to streamline and automate its review of teacher credentials submitted by institutions of higher education as well as child development permits submitted by community colleges. The report shall include a description of the automation efforts the commission has undertaken and an estimate of the resulting number of staff hours freed up for processing other credential applications.

It is important to note that Provisions 8 and 9 referenced above, also indicate that the Department of Finance and the Legislature shall consider each of these proposals when developing the commission's budget for the 2006-07 fiscal year. Each of the requested proposals were a result of concepts approved by the Commission at its April 14, 2005 meeting.

Each of the proposals and report are provided for your review and approval on the next several pages.

# Fiscal and Workplan Impact

Staff will be available to answer any questions Members of the Commission may have. In addition, staff will provide any updates, as appropriate, at the meeting.

# DRAFT

A Proposal to Consider the Feasibility of Relying on Internal Legal Representation for Administrative Proceedings



A Report Prepared by the Commission on Teacher Credentialing for the Department of Finance, Joint Legislative Budget Committee, and the Chairs of the Committees that Consider Appropriations

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Leslie Peterson-Schwarze Chair Sam W. Swofford, Ed.D. Executive Director

November 8, 2005

# **EXECUTIVE SUMMARY**

Pursuant to Provision 8, Item 6360-001-0407 of the 2005 Budget Act, the Commission on Teacher Credentialing (Commission) is submitting a detailed proposal regarding the feasibility of relying on internal legal counsel rather than the Office of the Attorney General (OAG) representation at administrative hearings. This proposal includes: (1) a comprehensive description of the options; (2) a review of similar operations in other state agencies; (3) an explanation of implementation issues; and (4) a refined estimate of the associated savings.

# **Summary of Cost Savings**

The Commission could realize an annual cost savings of approximately \$707,176 if it received authorization from the OAG or a statutory change to allow for in-house legal representation at administrative hearings (Option 1). Some savings (\$91,000-\$226,700) could also be realized if the Commission instituted a plan to shift some of the current Legal Assistant (LA) workload now assumed by the OAG back to the Commission; however the full amount of the these savings may be off-set, as described in the proposal (Option 2).

# Option 1—Use of In-House Counsel for Representation at Administrative Hearings

Anticipated Costs of OAG Representation at Administrative Hearings for FY	2006-07 \$1,139,142
Total Costs for In-House Representation (Proposed)	\$ 431,966
Proposed Total Savings	\$ 707,176
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# Option 2—In House Development of Accusations and Statements of Issue

Anticipated cost savings of \$91,000-\$226,700 per year

#### **BACKGROUND**

On June 6, 2005, the Legislative Budget Conference Committee took action on the Commission's budget and added Budget Bill language. The Committee's action was included in the final Budget Bill process and signed by the Governor. Provision 8 of Item 6360-001-0407, in the 2005 Budget Act, requires the Commission to submit a detailed proposal to the Department of Finance, the Joint Legislative Budget Committee, and the chairs of the Committees that consider appropriations regarding the feasibility of relying on internal legal counsel rather than OAG representation at administrative hearings. The proposal shall include a comprehensive description of the option, a review of how it has worked at other state agencies, an explanation of how and when it could be implemented, and a refined estimate of the associated savings. (The Commission's preliminary estimate of potential savings is \$927,000.) This proposal was initially approved in concept by the Commission at its April, 2005 meeting.

A primary goal for all regulatory licensing agencies is the monitoring of applicants and licensees in order to protect the public and to preserve the integrity of the profession. Through the Division of Professional Practices (DPP) and the Committee of Credentials (Committee), the Commission investigates and reviews all allegations of misconduct against credential applicants and current teachers to enforce the State's high standards for educator character fitness, and to ensure a safe school environment for California's public school students. The review and investigation of allegations of misconduct is commonly referred to as "professional discipline." The cases are generated several ways: (1) by the holder requesting a new/different credential or renewal of a credential (which cases are referred from Certification Assignment and Waivers Division (CAW); (in such cases the Committee's recommendation to the Commission would be to take adverse action/deny or close rather than grant/deny); (2) by subsequent arrest and/or conviction reports; and (3) the filing of affidavits from complainants and/or by reports from school districts and are not referred from the CAW. In addition, the Commission hears Petitions for Reinstatement of previously revoked credential holders and reviews proposed decisions of administrative law judges.

The Commission's disciplinary role includes ensuring that:

- appropriate actions are taken in a timely manner against teachers and applicants whose conduct or behavior violates the standards set forth in statute and regulation;
- the school children of California are protected because teachers and applicants who do
  not meet the standards set forth in statute or regulation are not allowed in the public
  school classrooms and/or are promptly removed from the classroom;
- complaints against credential applicants and teachers are promptly, fairly and thoroughly investigated;
- recommendations by the Committee are based on complete information;
- teachers and applicants who have not engaged in misconduct have their cases closed and their names cleared at the earliest opportunity;

• appropriate due process protection is provided to holders and applicants.

At the conclusion of the Committee's investigation, a recommendation is made. The recommendation can be to close the investigation or to take adverse action against the credential. If the recommendation is to take adverse action respondents may request reconsideration or an administrative hearing to challenge the recommendation of the Committee. Reconsideration is granted if there is new and relevant information not previously reviewed by the Committee. Unless written notice of the intention to exercise either or both of the options is received within thirty (30) days, the recommendation of the Committee is forwarded to the Commission for final adoption at the next scheduled Commission meeting as provided in Education Code Section 44244.1, and any adverse action becomes effective thirty (30) days after notification of action by the Commission.

If the respondent exercises the option to request an administrative hearing, a staff attorney reviews the file to determine whether the case is appropriate for settlement. In 2003, after consulting with both the Committee and the Commission, DPP instituted an early settlement program in an effort to minimize both the cost and waiting times associated with the administrative hearing process. If the case is settled at this stage, the negotiated terms of the settlement are reviewed by the Committee and sent to the Commission for final adoption.

If a matter cannot be settled or is not appropriate for settlement, the file is transferred to the OAG. All cases are sent to the Supervising Deputy Attorney General at the Sacramento OAG. The case is assigned and is opened by a LA. The LA prepares an Accusation or Statement of Issues. The Accusation or Statement of Issues is returned to DPP for review and signature by the Commission's Executive Director. The file is then designated for one of the three (3) offices of the OAG (Sacramento, San Francisco, Los Angeles) and is assigned to a Deputy Attorney General (DAG). As provided in the Administrative Procedure Act (APA), a notice of defense is prepared and sent to the respondent. In coordination with the Office of Administrative Hearings (OAH) a time and place for the hearing is set. The DAG prepares the case for hearing, interviews witnesses, and discusses legal issues including settlement with Commission counsel. The DAG is assisted in this part of the administrative review by a LA.

After a hearing is held before an Administrative Law Judge at OAH, a proposed decision is sent to the Commission. The Commission can choose to accept or reject the proposed decision. If the proposed decision is rejected, a transcript of the administrative hearing is ordered and the Commission reviews the transcript and either accepts the proposed decision or issues a decision based on its own findings of fact and law.

During FY 2004-05 the OAG billed the Commission for 4,082.75 hours of DAG time and 4,891.75 hours of LA time at a cost of \$567,502 for DAG time and \$445,149 for LA time. <sup>1</sup>

**FPPC 5A - 6** 

 $<sup>^{1}</sup>$  The billing rate for FY 2004-05 was \$139.00 for DAG time and \$91.00 for LA time. Effective 7/1/05 the current hourly billing rate for DAG time is \$146.00 and the amount billed for LA's is \$92.00. Effective 7/1/06 the rate for DAG time will be \$158.00 and LA time will be \$101.00.

Currently, the Commission is required to utilize the legal services of the OAG as its representative in any judicial or administrative proceedings (Government Code section 11040). A state agency, not specifically exempted through statute may request an exemption from this requirement. The criteria for determining this request is fully set forth in a letter from the OAG to state agencies, dated October 6, 2000. (Attachment I, Page FPPC 7A - 17) Unless the OAG grants the exemption request, the only other option is to propose legislation to obtain a statutory exemption.

# **Option 1—Use of in-house Counsel for Representation at Administrative Hearings**

If authorization was obtained from the OAG or a statutory exemption was enacted, the Commission would employ legal counsel<sup>2</sup> to represent the Commission. It is estimated that given the FY 2004-05 workload of 62 cases, the Commission could accomplish this task by adding the following staff: 2 Staff Counsel III, 1 Associate Governmental Program Analyst, 1 Staff Services Analyst at a total cost of \$431,966. This option would allow for the most control over the costs involved in administrative adjudication and would result in a cost savings of approximately \$707,176 based on hours billed for FY 2004-05 at the anticipated FY 2006-07 increased billing rates.

# Option 2—In House development of Accusations and Statements of Issue

During the course of preparing this proposal it was determined that although OAG authorization or a statutory exemption is required to fully implement the proposal, there were no such prerequisites for the assumption of the work of LAs in preparation and drafting the requisite Accusations or Statements of Issues. Given the fact that a significant amount of the charges incurred each year are a result of LA time, the Commission determined that this issue should be further explored as Option 2. In doing so, follow-up questions were sent to the OAG regarding the use of LAs. The response to these follow-up questions is included as Attachment II, Page FPPC 7A - 25. The Commission estimates that use of Commission staff to draft the Accusations and Statement of Issues would result in a minimum net cost savings of approximately \$91,000 with a possibility of achieving a cost savings of up to \$226,700. The range is a result of uncertainty regarding how much the OAG would continue to bill for LA time for other activities such as file preparation, review and investigation.

## A REVIEW OF HOW THIS OPTION HAS WORKED AT OTHER STATE AGENCIES

Government Code section 11041 lists the agencies with a specific statutory exemption to the requirement that the OAG provide representation.

# **Current Statutory Exemption**

- Department of Education
- Regents of the University of California

<sup>&</sup>lt;sup>2</sup> In using the terminology "employ legal counsel" the reference is to the use of civil service attorneys who would be employees of the Commission. It is beyond the scope of this proposal to discuss employment of outside legal counsel through the use of employment contracts.

- Trustees of the California State University
- Department of Transportation
- Division of Labor Standards Enforcement of the Department of Industrial Relations
- Workers Compensation Appeals Board
- Public Utilities Commission
- State Compensation Insurance Fund
- Legislative Counsel Bureau
- Inheritance Tax Department
- Secretary of State
- State Lands Commission
- Alcoholic Beverage Control Appeals Board
- State Treasurer's Office

Government Code section 11041 also provides that "(a) any other state agency which, by law enacted after Chapter 213 of the Statutes of 1933, is authorized to employ legal counsel."

According to representatives of the OAG a list of agencies authorized to employ legal counsel could not be provided because of concerns regarding attorney-client privilege. The Commission was able to identify several agencies which are authorized to employ legal counsel either because of statute or because the OAG has authorized the employment of legal counsel. For purposes of comparison three licensing agencies were identified and queried. These agencies are the Department of Consumer Affairs, Department of Real Estate and the Department of Social Services. The latter two agencies are authorized to employ legal counsel for administrative adjudication.

# **Department of Consumer Affairs**

The Department of Consumer Affairs uses the OAG for legal representation at administrative hearings for the various licensing activities of the boards, bureaus, committees and commissions. However, the Bureau of Security and Investigative Services (Bureau) has an agreement with the OAG where Bureau staff draft the statement of issues/accusations that are based on convictions of crimes substantially related to the functions and duties of a licensee. This is based on an agreement made many years ago, due to the high volume and routine nature of these types of actions.

## **Department of Real Estate (DRE)**

According to members of the legal staff of DRE,<sup>3</sup> DRE attorneys are restricted to providing legal representation at administrative proceedings. DRE has fifteen (15) attorney positions assigned exclusively to license disciplinary actions. In FY 2004-05 2,071 Accusations and Statements of Issues were filed. During that same time period DRE had 1,445 filings at the OAH. The DRE budget information for this activity can be found at the DRE segment of the Salaries and Wages Supplement:

<a href="http://www.dof.ca.gov/HTML/Budget 05-06/SalariesWages2005-06/BTH.pdf#nameddest=TOC">http://www.dof.ca.gov/HTML/Budget 05-06/SalariesWages2005-06/BTH.pdf#nameddest=TOC</a> The OAG authorized this work sometime in the early 1960's.

<sup>&</sup>lt;sup>3</sup> Source: Jim Beaver and Larry Alameo, DRE

# **Department of Social Services (DSS)**

The DSS handles about 3,000 accusations and 450 hearings per year utilizing 53 attorneys, 11 supervising attorneys, and 4 assistant chief counsels<sup>4</sup>. The 53 attorneys consult with licensing program staff but 3 other attorneys do regulation and policy development. The DSS has one legal analyst for every 2 attorneys. DSS was authorized by the OAG to handle administrative adjudication in the early 1990's.

Neither DRE nor DSS staff could point to any problems with respect to handling legal representation for administrative adjudication, although in both instances it was noted that the programs had been in place for such long periods of time there was no data to provide relative to cost or workload savings.

#### AN EXPLANATION OF HOW AND WHEN OPTIONS COULD BE IMPLEMENTED

# **Option 1—Use Of In-House Counsel For Representation At Administrative Hearings**

Option 1 requires that the Commission receive authorization from the OAG to employ legal counsel. If authorization is not provided, a statutory change authorizing the Commission to employ legal counsel would need to be proposed and enacted. Only after the authorization is effectuated under either of these scenarios would implementation be commenced. The Commission estimates that implementation of Option 1 could not take place unless and until necessary staff was hired which would take a minimum of six weeks. In addition, the Commission and OAG would have to meet to identify all cases that were appropriate for transfer back to the Commission. It would be impractical and inefficient to transfer cases that had been fully prepared and/or set for hearing. The OAG estimates that depending on variables, the implementation could be accomplished in one week to two months, however this estimate does not include staff time associated with the transition.

# Option 2—In House Development Of Accusations And Statements Of Issue

As provided in the letter from the OAG dated October 11, 2005 implementation of Option 2 would not require authorization or statutory approval. It would require additional staff and training, as well as coordination with the OAG in order to fully implement. It is estimated that this would take a minimum of six weeks to three months.

<sup>&</sup>lt;sup>4</sup> Source: Kelley Hargreaves, DSS

# A REFINED ESTIMATE OF COST SAVINGS

# Option 1 - Use Of In-House Counsel For Representation At Administrative Hearings<sup>5</sup>

2.0 Staff Counsel III

1.0 Associate Governmental Program Analyst

1.0 Staff Services Analyst

4.0

**Salaries** \$ 260,992 **Benefits** \$ 118,974

Operating Expenses &

**Equipment** \$ 52,000

Total \$431,966

Anticipated Costs of OAG Representation at Administrative Hearings for FY 2006-07 \$1,139,142
Total Costs for In-House Representation (Proposed) \$ 431,966
Proposed Total Savings \$ 707,176

# Option 2—In House Development Of Accusations And Statements Of Issue

0.5 Staff Counsel III

1.0 Associate Governmental Program Analyst

1.0 Staff Services Analyst

2.5

**Salaries** \$ 30,878 **Benefits** \$ 63,409 **Operating** 

Expenses &

Equipment \$ 32,500 Total \$ 226,787

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<sup>&</sup>lt;sup>5</sup> The estimate of cost savings includes administrative representation only. The OAG would still handle litigation representation which resulted in billings of 466.75 hours for DAG and 21.75 hours for LA at a total amount billed of \$64,878 for DAG and \$1,979 for LA totaling \$66,857 for FY 2004-05.

# Option 2—In House Development Of Accusations And Statements Of Issue

(Based on information contained in the 10/26/05 letter from the OAG)<sup>6</sup>

1.0 Associate Governmental Program Analyst

**Salaries** \$ 51,676 **Benefits** \$ 25,134

Operating Expenses &

Equipment \$13,000 Total \$89,810

### **CONCLUSION**

The Commission could realize significant cost savings if it received authorization from the OAG or a statutory change to allow for in-house legal representation of administrative hearings (Option 1). Some savings could be realized if the Commission instituted a plan to shift some of the current LA workload back to the Commission (Option 2) however the full amount of the savings could be off-set in part by a duplication of workload once a case was sent to the OAG and assigned to a DAG.

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<sup>&</sup>lt;sup>6</sup> The estimate offered by the OAG was based on the assumption that one LA would be required to prepare the accusation and/or statement of issues. The OAG billings reflect additional review, gathering documents and review by Attorneys that is not reflected in the estimate.

# **ATTACHMENTS**

# **Attachment I**

- Inquiry dated October 4, 2005 from Commission General Counsel Mary Armstrong to Senior Assistant Attorney General Thomas Yanger
- Response letter dated October 11, 2005 from Thomas Yanger to Mary Armstrong with attachment dated October 6, 2000

# **Attachment II**

- Inquiry dated October 21, 2005 from Mary Armstrong to Thomas Yanger
- Response dated October 26, 2005 from Thomas Yanger to Mary Armstrong

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# DRAFT

A Proposal to Consider the Feasibility of Establishing Fees for Disciplinary Reviews and Associated Disciplinary Actions



A Report Prepared by the Commission on Teacher Credentialing for the Department of Finance, Joint Legislative Budget Committee, and the Chairs of the Committees that Consider Appropriations

Leslie Peterson-Schwarze
Chair
Sam W. Swofford, Ed.D.
Executive Director

**November 8, 2005** 

# **Executive Summary**

Pursuant to Provision 9, Item 6360-001-0407 of the 2005 Budget Act, the Commission on Teacher Credentialing (Commission) has submitted a detailed proposal and report regarding the feasibility of establishing fees for disciplinary reviews and associated disciplinary actions. The proposal includes: (1) a comprehensive description of the options; (2) an explanation of how and when the options could be implemented; and (3) identification of associated cost savings.

# **Identification of Cost Savings**

The amount of revenue generated by fees and fines ranges from \$2,524,750 - \$4,955,150. However this potential revenue is off-set by anticipated costs of collection and administration and the estimated recovery rate. <sup>7</sup> The net amounts generated would range from \$993,971-\$2,026,891. None of the changes could be accomplished without extensive statutory and regulatory authority; therefore, the earliest possible implementation date would be January, 2007.

TION $1 - Fees$ billed to applicants and applicant ho	olders (\$2,974,750)
Estimated amount recovered	\$1,264,269
Less Costs	-\$79,048
Net estimated amount	\$1,185,221
TION 2 – Fees based on total discipline budget (\$4,	955,150)
Estimated amount recovered	\$2,105,939
Less Costs	-\$79,048
Net estimated amount	\$2,026,891
TION 3 – Fees billed to applicants only (\$2,524,750)	)
Estimated amount recovered	\$1,073,019
Less Costs	-\$79,048
Net estimated amount	\$993,971

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<sup>&</sup>lt;sup>7</sup> Collection costs are estimated to be \$79, 048 per year and the recovery rate is estimated to be 42.5% of the total amount billed.

### BACKGROUND

On June 6, 2005, the Legislative Budget Conference Committee took action on the Commission's budget and added Budget Bill language. The Conference Committee's action was included in the final Budget Bill process and signed by the Governor. Provision 9 of Item 6360-001-0407, in the 2005 Budget Act, requires the Commission to submit a detailed proposal and report to the Department of Finance (DOF), the Joint Legislative Budget Committee, and the chairs of the Committees that consider appropriations regarding the feasibility of establishing fees for disciplinary reviews and associated disciplinary actions. The proposal shall include a comprehensive description of the options, explain how and when it could be implemented, and identify the associated savings. The DOF and Legislature shall consider this proposal when developing the Commission's 2006-07 budget. (The Commission's preliminary estimate of potential new revenue is \$2.9 million.) This proposal was approved in concept by the Commission at its April, 2005 meeting.

A primary goal for all regulatory licensing agencies is the monitoring of applicants and licensees in order to protect the public and to preserve the integrity of the profession. Through the Division of Professional Practices (DPP) and the Committee of Credentials (Committee), the Commission investigates and reviews all allegations of misconduct against credential applicants and current teachers to enforce the State's high standards for educator character fitness, and to ensure a safe school environment for California's public school students. The review and investigation of allegations of misconduct is commonly referred to as "professional discipline." The cases are generated in three ways: (1) by a request for a new or different credential or renewal of a credential (which cases are referred from Certification Assignment and Waivers Division (CAW). In such cases the Committee's recommendation to the Commission would be to take adverse action/deny or close rather than grant/deny.); (2) as a result of subsequent arrest and/or conviction reports; and (3) the filing of affidavits from complainants and/or by reports from school districts. In addition, the Commission hears Petitions for Reinstatement of previously revoked credential holders and reviews proposed decisions of administrative law judges.

The Commission's disciplinary role includes ensuring that:

- appropriate actions are taken in a timely manner against teachers and applicants whose conduct or behavior violates the standards set forth in statute and regulation;
- the school children of California are protected because teachers and applicants who do not meet the standards set forth in statute or regulation are not allowed in the public school classrooms and/or are promptly removed from the classroom;
- complaints against credential applicants and teachers are promptly, fairly and thoroughly investigated;

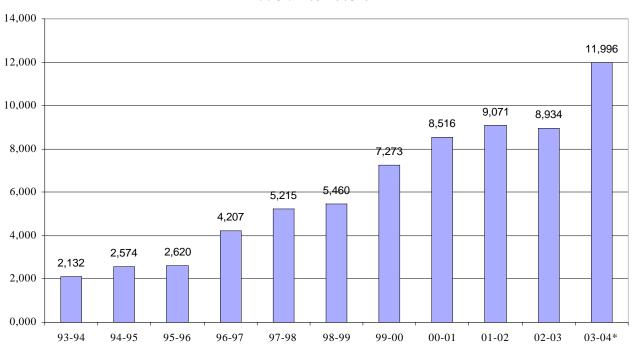
<sup>8</sup> During subsequent discussions with the representatives of the Department of Finance and the Legislative Analyst Office the Commission was asked to include information regarding discipline fees charged by other state agencies as well as other state certification departments.

- recommendations by the Committee are based on complete information;
- teachers and applicants who have not engaged in misconduct have their cases closed and their names cleared at the earliest opportunity;
- appropriate due process protection is provided to holders and applicants.

# **Division of Professional Practices Workload**

Despite a slight decline in credential applications, workload in the DPP continues to <u>increase</u>. In fact, over the past ten years DPP workload has increased 463 percent.

# Division of Professional Practices Workload 1993-94 to 2003-04



<sup>\*</sup>Fiscal Years July-June

The total budget for DPP is \$5,045,544. This amount is 26.75% of the total current budget of the Commission. The total cost for discipline is approximately \$4,945,301. This represents the budgeted amount less the cost of General Counsel activities as calculated below:

## **DPP Discipline Costs**

\$ 5,045,544	2005-06 Budget Act Revised
\$ (100,243)	Less General Counsel Costs 9
\$ 4,945,301	Total DPP Discipline Costs

The four sections of DPP are all primarily dedicated to the support of some aspect of the discipline function. In addition, some of the attorney time is spent on legal issues involving the other program divisions (General Counsel activities).

The Division staff is organized as follows:

## Support Section (18 Positions)

- Open and maintain files
- Handle incoming and outgoing mail
- Request police and court records
- Handle telephone inquiries
- Respond to document/discovery requests
- Prepare files and agenda for Committee of Credentials/Commission meetings
- Prepares Notice of Delay list and All Points Bulletin for dissemination to educational employers
- Send certified letters regarding Committee/Commission action
- Prepare Confidential Investigative Reports

# Investigations/Probation Unit (6 Positions)

- Investigate serious allegations of misconduct
- Respond to complaint allegations from members of the public
- Prepare Confidential Investigative Reports
- Advise staff and Committee on investigation matters

# Legal Support (4 Positions)

- Provide legal review of all Confidential Investigative Reports and Probation matters
- Review all cases for jurisdiction
- Provide legal support to Committee of Credentials and Commission meeting
- Provide technical advice and support to Office of Attorney General
- Negotiate and prepare Commission Settlements
- Provide legal support to other Commission programs

## COMPREHENSIVE SUMMARY OF THE OPTION

<sup>&</sup>lt;sup>9</sup> The General Counsel costs are figured by taking a percentage of the time of the General Counsel (25%), 3 Staff Counsels (10% each) and an SSA (20%) with salary, benefits and O&E

METHODOLOGY: In order to determine the appropriate amount of fees to charge for disciplinary review the Commission identified the total DPP budget related to discipline costs, the distinct stages of the review process and then calculated an amount for each stage. A separate discipline fee could be established at several stages during the discipline process.

The first stage would be to impose a separate fee for **all** applications (including subsequent applications by credential holders) that require a character and fitness review, approximately 3,500 a year. Option 1 uses a \$500 fee amount. Option 2 uses a \$825 amount determined to be the amount necessary if the total amount of the discipline budget was recouped through fees. Option 3 is computed using first time applicants only, approximately 2,500 per year at the \$500 amount. Option 3 is presented because requiring a for all applications results in payment each time a holder renews a credential even when there has been no new misconduct. Although such cases are routed to DPP they are categorized as "open/close" and do not undergo further review.

The second stage would be to impose a separate fee for all cases involving credential holders that are proceeding to final review estimated to be approximately 1,981 cases a year. The difficulty would be in providing an incentive to pay the fee unless authority to impose an interim suspension until payment of the fee could also be imposed.

The third stage would be to impose a fee when a request for administrative hearing is made, approximately 100 cases per year.

The fourth stage would be to issue a citation, which may contain an administrative fine and/or order of reprimand, against a credential holder for any violation of law or an adopted regulation which would be grounds for discipline in lieu of an administrative hearing. The types of misconduct subject to citation would not be of a severity that would warrant revocation or long-term suspension of the credential and would not be the type of misconduct where the safety of school children is at risk. These fines would range from \$100 to \$2,500. Acceptance of the citation and fine would require that the applicant/credential holder waive any right to an administrative hearing, thus generating additional cost savings.

- Failure to Disclose: \$250 per nondisclosure
- Misconduct resulting in private admonition: \$750
- Misconduct resulting in public reproval: \$1,500
- Misconduct--contract abandonment: \$2,000
- Misconduct resulting in low level suspension: \$2,500

Examples of lower level violations include contract abandonment and failing to disclose information on applications relative to criminal convictions and other misconduct requiring disclosure and possible investigation. Citations/fines would be used in lieu of some lower level disciplinary actions. Last year, the Commission issued twelve (12) private admonitions and 57 public reprovals. In addition, the Commission suspended credentials for ten (10) days or less seventeen (17) times. Also, the Commission opened ten (10) cases on contract abandonment. These low level actions constitute approximately 100 cases.

Assuming fines were imposed in lieu of private admonition, public reproval or low level suspensions, fine revenue would be as follows:

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12 private admonitions x $750 = $9,000
57 public reprovals x $1,500 = $85,500
10 contract abandonments x $2,000 = $20,000
17 low level suspensions x $2,500 = $42,500
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The Commission's database does not currently track the number of applicants and credential holders who fail to disclose misconduct as required. The Commission estimates that actual number to be approximately 250 failures to disclose a year.

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250 failures to disclose x $250 = $62,500
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Citations/fines would not be used in all cases. For budget purposes, the Commission is projecting that they would be used in approximately half of the low level disciplinary actions. Anticipated revenue for the first year of citations/fines would be approximately \$109,750.

The fifth stage would be to impose costs for probation monitoring. Probation is utilized as an option in consent determinations and imposed by Administrative Law Judges in some proposed decisions. Currently, the Commission has 113 active probation cases. Typically, a credential holder is put on probation for a specified term (usually 1-3 years) or until completion of certain conditions (classes and/or counseling). Probationers are monitored by DPP staff. Probation can be very informal requiring only periodic reporting to quite formal requiring periodic and random drug or alcohol testing. Probation allows credential holders to remain in the classroom with the knowledge of the employer while at the same time ensuring the safety of school children through the monitoring process. <sup>10</sup> The current cost of the probation program is approximately \$187,288<sup>11</sup>.

The charts set forth below summarize the different points in the discipline process where the discipline fees could be imposed with the different options set forth above.

<sup>11</sup> This amount is determined by taking a portion of the salary and benefits of 2 Investigators and 3 Staff Counsels.

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<sup>&</sup>lt;sup>10</sup> The Commission has identified three levels of probation cases. Level 1 involves Initial set-up and a Quarterly Compliance Report (QCR); Level 2: Initial set-up, one time evaluation, course work, community service and QCR; Level 3: Initial set-up, one time evaluation; drug or alcohol testing, counseling and QCR

# **OPTION 1-- All Applicants**

Using \$500 Amount and all applicants

Discipline Fee Stage	Affected applicants/holders	Statutory Change Required	Implementation Date	Annual Revenue Generated
I	All applicants and holders requiring review (~3,500/yr.)	Yes	1/07	\$1.7 million
2	Credential holders proceeding to final review (~1981/yr.)	Yes	1/07	\$990,000
3	Administrative hearing requests (~150/yr.)	Yes	1/07	\$15,000
4	Citation/fine (~346/yr.)	Yes	1/07	\$109,750
5	Probation (~150/yr.)	Yes	1/07	\$160,000
			TOTAL	\$2,974,750

# **OPTION 2 -- Full Recovery of Disciplinary Fees**

Using \$825 Amount & \$100 for Admin Hearings

Discipline Fee Stage	Affected applicants/holders	Statutory Change Required	Implementation Date	Annual Revenue Generated
I	All applicants and holders requiring review (~3,500/yr.)	Yes	1/07	\$2,887,500
2	Credential holders proceeding to final review (~1,981/yr.)	Yes	1/07	\$1,782,900
3	Administrative hearing requests (~150/yr.)	Yes	1/07	\$ 15,000
4	Citation/fine (~346/yr.)	Yes	1/07	\$ 109,750
5	Probation (~150/yr.)	Yes	1/07	\$ 160,000
			TOTAL	\$4,955,150

**OPTION 3 -- First Time Applicants only** 

Discipline Fee Stage	First Time Applicants	Statutory Change	Implementation Date	Annual Revenue
		Required		Generated
I	First time applicants requiring review (~2,500/yr.)	Yes	1/07	\$1.250 million
2	Credential holders proceeding to final review (~1,981/yr.)	Yes	1/07	\$ 990,000
3	Administrative hearing requests (~150/yr.)	Yes	1/07	\$ 15,000
4	Citation/fine (~346/yr.)	Yes	1/07	\$ 109,750
5	Probation (~150/yr.)	Yes	1/07	\$ 160,000
			TOTAL	\$2,524,750

COSTS and RECOVERY RATE: It is important to recognize that implementation of fees for disciplinary reviews and citation and fines would result in billing and collection costs. The Commission estimates this amount to be approximately \$79,048 per year as set forth in the chart below. In addition there would be a one time programming cost of \$30,000-\$45,000 to allow payment by applicants on web-based applications. Based on the experience of other state agencies (see below), the Commission could expect a recovery rate on collections of approximately 42.5%.

DISCIPLINARY REVIEW AND CITATION AND FINE (Billing & Collection Staffing Costs)		
1.0	Office Technician	
	Staff Services	
0.11	Manager II	
1.11		
	\$ 41,952	
Benefits	\$ 22,666	
<b>Operating Expenses &amp; Equipment</b>	<u>\$ 14,430</u>	
Total	\$ 79,048	

### SURVEY OF OTHER STATES AND OTHER STATE AGENCIES

The Commission staff surveyed other state certification departments to determine: (1) if additional fees were charged to support the discipline activities and (2) whether fines were levied in conjunction or as an adjunct to discipline. It was determined that the only additional fees charged are fees to recover the cost of fingerprinting. In addition, no other state certification departments levy fines as an adjunct to discipline. <sup>12</sup>

The Commission surveyed four state licensing agencies by sending a questionnaire to the Board of Accountancy, Board of Behavioral Sciences, Contractors' State License Board, and the Board of Registered Nursing. Each agency was asked to provide their total agency revenue, total cost of enforcement and discipline, total amount of cost recovery, and total amount of cite and fine, and collection administration.

# Summary of Cite/Fine and Cost Recovery Questionnaire

Cost recovery and cite and fine is a small percent of costs. The four licensing agencies only recover a small percent (less than 13.34%) of their total enforcement and discipline costs through cost recovery and cite and fine. The agencies collect from zero to 13% of their enforcement and discipline costs through cost recovery. The agencies collect a much smaller percent (.08% to 4%) through cite and fine.

Cost recovery and cite/fine problems. The agencies shared their cost recovery and cite and fine collection problems. Accountancy allows payment plans for stipulated settlements, default decisions, or revocations. If the accountant defaults on the payment plan, Accountancy can carry out the disciplinary action that was stayed. Contractors uses a collection agency and the Franchise Tax Board's offset program for non-licensee violations, but the collection rate is only about 25%. For citations, Contractors suspends and revokes licenses for non-compliance and the collection rate is about 60%. Behavioral Sciences wrote that they have very few collection problems. Nursing does not collect from nurses who have been revoked, until they petition for reinstatement. Nursing also allows payment plans. The collection rate is low for practicing without a license, which is about half their citations. If the nurse does not pay the citation upon renewal, there is statutory authorization to withhold the license until payment.

Unlike the Contractors and Nursing arenas, the Commission does very little discipline involving teaching without a license. In order to collect, the respondent needs a reason to pay, so it would be expected that there would be low collection rates on revocations and denials.

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<sup>&</sup>lt;sup>12</sup> Source: NASDTEC Manual and electronic mail survey of State Certification Agencies

# **CONCLUSION**

The Commission could generate revenue of approximately \$2,524,750 - \$4,955,150 less collection and recovery costs resulting in a net recovery of between \$993,971 - \$2,026,891 of associated cost savings through utilization of fees for disciplinary review, imposition of fines, and payments for probation monitoring. It is uncertain whether the number of applicants would drop off with the imposition of fees for fitness reviews. If this occurred it would require a reevaluation of other fees imposed to account for a shortfall and would result in a greater burden being imposed on current credential holders who are subject to discipline.

# DRAFT

A Report On The Efforts To Streamline And Automate The Review Of Teacher Credentials Submitted By Institutions Of Higher Education And Child Development Permits Submitted By Community Colleges



A Report Prepared by the Commission on Teacher Credentialing for the Department of Finance, Joint Legislative Budget Committee, and the Chairs of the Committees that Consider Appropriations

Leslie Peterson-Schwarze Sam W. Swofford, Ed.D.

**Chair** 

November 8, 2005

**Executive Director** 

# **Background**

Pursuant to Provision 10, Item 6360-001-0407 of the 2005 Budget Act, requires the Commission on Teacher Credentialing (Commission) to report to the Department of Finance, the Joint Legislative Budget Committee and the chairperson of the committees in each house of the Legislature that consider appropriations on its efforts to streamline and automate its review of teacher credentials submitted by institutions of higher education (IHE) as well as child development permits submitted by community colleges. The report shall include a description of the automations efforts the commission has undertaken and an estimate of the resulting number of staff hours freed up for processing other credential applications.

This report is divided into two sections, the first addresses the automation efforts as they pertain to IHEs and the second section addresses the efforts in streamlining the evaluation of Child Development Permit applications.

# INSTITUTIONS OF HIGHER EDUCATION

Senate Bill 63 (Statutes of 2005, Chapter 73, Committee on Budget and Fiscal Review) amended Education Code Section 44227 (a) and (b). This amendment, effective July 19, 2005, requires that an institution of higher education, whose teacher education program has been accredited by the Commission, to approve and electronically submit credential applications to the Commission, and requires the Commission to grant credentials to these applicants based upon that approval.

In response, the Commission staff has implemented a web-based portal for the purpose of accepting Commission approved IHE recommended applications. The on-line recommendation is a two-step process, the college or university enters the data necessary to recommend for a credential. Once that information is entered into the system an email is sent to the applicant requesting that he or she complete the credential application and pay the application fee by credit card. Once the applicant has completed that task, an email is sent to both the IHE and the applicant stating that he or she has been recommended for a credential. After the applicant completes the application, the file is downloaded to the Commission on a daily basis. The Commission staff will then process the data and grant a credential within one to two days of receipt. The credential will then be printed and mailed. The complete process will take approximately 10 working days.

The Commission staff provided initial training to the IHEs during the annual Credential Counselors and Analysts of California Fall Conference during the week of October 10<sup>th</sup>. The next week staff provided specific training to almost all of the 84 IHEs with Commission-approved professional preparation programs. Commission staff expect all IHEs to be using the on-line system by the end of December 2005. The process requires that a student have an email address and a credit card. For those students who do not have a credit card or email address, IHEs will still need to submit those applications via mail.

The IHE online recommendation process will allow the Commission to grant credentials significantly faster than the paper based application process.

The Commission receives approximately 50,000 applications per year from IHEs. The online process has a direct reduction in workload for the Cashiering Unit, because the Cashiering Unit no longer has to enter fees or personal information. The on-line process has less of an impact on the Certification Unit because the online process does not provide all of the data necessary for a complete file. For example, Certification staff still have to determine if this is the first-time an applicant has submitted an application to the Commission or whether this is a new type of application. Commission staff also has to make adjustments to the method the data is entered into the database.

#### **Staff Time Redirected**

As stated above the IHE online recommendation process has a significant impact on the Cashiering Unit by reducing its workload by 21 percent. However through previous staff reductions in the Cashiering Unit, the staff levels will be at the appropriate level once the IHE on-line process is fully utilized by the IHEs. The Budget Act requests that we provide the number of hours that have been freed up by automation to redirect staff to evaluate other types of credential applications. The Cashiering staff processes all application types so there is no time to redirect. The Certification staff is the area where automation will have an impact on the evaluation of credential applications. Currently, an application submitted by an IHE takes a Staff Services Analyst on average five (5) minutes to complete and evaluation and enter the data into the database. The automation process reduces that time to three (3) minutes per application. When the IHE on-line is fully utilized by the IHEs, the Certification Unit will have approximately 1,600 hours it can devote to other types of applications. This means almost one full-time person can be redirected from IHE recommendation applications to other types of applications.

The Commission staff is beginning the process of developing a virtual credentialing officer (VCO) process for the IHE on-line recommendations. This VCO process was developed for online credential renewals and now requires no review by either the Cashiering or Certification staff to process renewals. When the IHE VCO is fully implemented, there should be no Certification Unit staff time devoted to IHE on-line recommendations. It is anticipated that this process should be fully automated and implemented in February 2007.

## CHILD DEVELOPMENT PERMITS

In addition, to reporting its efforts to automate and streamline the review of teaching credentials submitted by IHEs, the 2005-06 Budget Act required the Commission to report on its efforts to streamline the processing of Child Development Permits submitted by Community Colleges. Commission staff processed 10,771 Child Development Permits in FY 2003-04, 8,784 of which required a transcript review. The remaining applications were renewals or requests for duplicates, corrections and name changes.

This section of the report describes the Commission's streamlined processing and review strategy for Child Development Permits. Commission staff developed this strategy with representatives from Community Colleges including the Community College Chancellor's Office, four-year universities including the California State University Chancellor's Office, the

California Department of Education, the Child Development Training Consortium, the Child Development Mentor Teacher Program, and the professional organization Tri C ECE.

The new streamlined process allows specified faculty members at Community Colleges and four-year universities to verify that applicants have completed the requirements for a Child Development Permit, thus eliminating the Commission staff's need to conduct a transcript review. The Child Development Permit Verification of Completion Program is a voluntary program available to regionally accredited Community Colleges and four-year universities with Child Development Programs leading to a state permit. Commission staff will audit ten (10) percent of the applications submitted by the accepted/approved programs to ensure that the quality of the program is maintained.

## **Staff Time Redirected**

To date, twelve (12) institutions have applied to participate in the Child Development Verification of Completion Program and all twelve (12) have been accepted based upon their course descriptions and student advising plans. Several more programs are in the pipeline. The approved programs estimate that they will submit approximately 900 applications by June 30, 2006. The elimination of Commission staff's transcript review submitted through this new program will save approximately ten (10) minutes per application forgoing the transcript review. Currently, this allows 150 hours of staff time to be redirected to other types of applications. The more applications submitted through this process, the faster the overall application turn-around time will be assuming that staffing remains the same.

The following section provides a brief description of the development of the Child Development Permit Verification of Completion Program, advertising and training efforts, and plans to increase participation in the program.

# **Background and Program Development**

The State of California has issued permits for service in state-funded Child Development Programs since the 1960's. Since its inception in 1970 the Commission has been responsible for determining requirements and issuing these documents. Child Development Permits require specified courses as well as fieldwork or experience. The number of units required and the hours of required experience depend on the level of the permit. Permit levels authorize a range of service from assistant teachers to administrators of multiple-site programs based on a career ladder. The current Child Development Permit structure was developed with extensive field representation through the grant-funded "Advancing Careers in Child Development" project with the participation of the California Department of Education, the staff of the Commission on Teacher Credentialing and the Department of Social Services.

At its August 12, 2004 meeting the Commission approved a project to reduce the reliance on staff level transcript review by allowing regionally accredited community colleges and four-year universities to verify that an applicant had met the requirements for a Child Development Permit. Commission staff conducted three planning and development meetings with representatives from the field and sent information about the new process to early childhood educators at the Community Colleges and four-year universities. Lucy Berger of the Community College

Chancellor's Office allowed the use of her child development list serve and has continued to be a vital communication link for the program.

# **Training**

- **Submission Guidelines**: Commission staff developed a set of Submission Guidelines to help the college and university faculty compile a brief proposal with a description of their program, course descriptions and student advisory plans. The guidelines stress brevity and the use of existing college catalog materials to encourage streamlining the task.
- Application Guide: In addition to the guide for the initial proposal submission,
  Commission staff prepared a guide with information about how to help students fill out
  and submit their applications for Child Development Permits. The guide included a form
  for the college or university to copy and use to verify that the student had completed all
  of the necessary requirements for the permit
- Workshops: Commission staff met initially with members of the Community College Chancellor's Office Child Development Advisory Committee to discuss the Child Development Verification of Completion Program and to request assistance in sharing the information with the field.
  - O To date the Commission staff has conducted three workshops for those interested in participating in the program all of which were advertised to community college and four-year university child development programs. The workshops were offered through the following venues:
    - The Credential Counselors and Analysts of California Annual Fall Conference.
    - The Community College Chancellor's "Meet and Confer" On-line and Teleconference Program.
    - The Child Development Training Consortium Annual Conference.
  - o Assistance from Community College Faculty: Community College faculty who have successfully submitted proposals stepped forward to offer help to individuals who are in the process of preparing proposals. In addition, the Community College Chancellor's Office helped arrange for a faculty member on sabbatical to help advertise the program and to offer assistance to individuals preparing proposals. Further, Commission staff shared training and informational materials with faculty participating in the program who in turn shared the information at meetings of child development faculty.
  - E-mail Help Line: Commission staff established an e-mail box for interested and participating program staff. A Commission staff member monitors the e-mail box. Questions about the program and requests for information are handled as expeditiously as possible.

## **Future Steps**

Commission staff will continue to offer personal assistance to interested program sponsors and will offer a training session at the annual Spring Workshops for credentialing professionals.

Additionally, staff will offer materials for use in meetings of professional organizations. Prompt service, a quick turn-around when proposals are submitted, uniform acceptance of course work offered by participating programs, and a faster processing time should all serve as incentives for increased participation.

# CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

DIVISION OF PROFESSIONAL PRACTICES 1900 Capitol Avenue Sacramento, California 95814-4213

(916) 445-0243 FAX (916) 323-6735



Via Facsimile and U.S. Mail

October 4, 2005

Thomas Yanger Senior Assistant Attorney General Office of the Attorney General 1300 I Street Sacramento, CA 95814

Dear Mr. Yanger:

The Commission on Teacher Credentialing is a special fund agency that relies on the Teacher Credential Fund to support the work of the agency, including the discipline function provided by the Division of Professional Practices. Because of a variety of factors the amount of money in the Fund is not sufficient to support the Commission's budget. The 2005-2006 budget has been reduced by \$9.6 million and includes a \$2.7 million one-time General Fund augmentation for operating expenses. As the budget process unfolded earlier this year, the Department of Finance (DOF) asked staff to present to the Commission any and all proposals that would result in operational efficiencies. One such proposal involving reducing the cost of administrative hearings by utilizing in-house counsel instead of the Office of the Attorney General (OAG) was approved in concept by the Commission at its April 14, 2005 meeting. Specifically, the Commission supported an option to request an exception to the requirement that the OAG represent the Commission at administrative hearings.

On June 6, 2005, the Legislative Budget Conference Committee took action on the Commission's budget and added Budget Bill Language. The Committee's action was included in the final Budget Bill process and signed by the Governor. Provision X1 provides that "by November 15, 2005, the commission shall submit a detailed proposal to the DOF, the Joint Legislative Budget Committee, and the chairs of the committees that consider appropriations regarding the feasibility of relying on internal legal counsel rather than Attorney General representation at administrative hearings. The proposal shall include a comprehensive description of the option, a review of how it has worked at other state agencies, an explanation of how and when it could be implemented, and a refined estimate of the associated savings. The DOF and Legislature shall consider this proposal when developing the commission's 2006-07 budget. (The preliminary estimate of potential savings is \$927,000.)"

The Commission is currently preparing the requested report. Staff has held discussions with representatives of the Department of Finance and the Legislative Analyst's Office regarding what information should be included in the report. They have raised several questions that are within the purview of your office.

As you are aware, Government Code sections 11040-11043 govern the requirement that state agencies utilize the OAG. Section 11041 specifically lists agencies that are exempt from this requirement. Section 11040 does not list any agencies, but establishes that an agency may employ counsel in any matter of the state, after first obtaining the written consent of the Attorney General.

Does the requirement that the OAG represent state agencies in judicial proceedings extend to administrative hearings? Government Code section 11040(b) refers to "employment of the Attorney General as counsel for the representation of state agencies and employees in *judicial and other proceedings*," however the second paragraph of subdivision (b) refers only to "representation of state agencies and employees in any *judicial proceeding*" (emphasis added). Does your office have any other written guidance on state agencies providing in-house legal representation? If so, please forward a copy of this guidance with your response.

If the statute requires that the OAG represent state agencies at administrative hearings, does the statute also require that paralegal or legal analyst work such as the preparation and drafting of accusations, be performed by the OAG?

Does your office maintain a list of state agencies that it does not represent and/or that have received an exemption from OAG representation pursuant to section 11040? If so, please forward a copy of this list to the Commission with your response.

What is the procedure for requesting an exemption pursuant to section 11040?

If the OAG were to consent to the Commission's utilization of in-house staff counsel to represent the Commission at administrative hearings, do you have an opinion regarding the length of time needed to transition the OAG's current caseload back to the Commission? Could you provide examples of any state agencies where this process has occurred?

We would appreciate a response to the above questions by October 17, 2005 in order to incorporate the material in our report to the Legislature. If you have any questions concerning this matter, I will be happy to discuss them with you.

Very truly yours,

Mary C. Armstrong Director, Division of Professional Practices

cc: Sam W. Swofford, Ed.D Executive Director

# State of California DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125 P.O. BOX 944255 SACRAMENTO, CA 94244-2550

Public: (916) 455-9555 Telephone: (916) 324-2500 Facsimile: (916) 324-5567 E-Mail: Thomas.Yanger@doj.ca.gov

October 11, 2005

Mary C. Armstrong
Director, Division of Professional Standards
Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, CA 95814

Dear Ms. Armstrong:

I write in reply to your letter of October 4, 2005, in which you relate that the Commission will submit a proposal to the Department of Finance and to the Legislature regarding the feasibility of relying upon internal legal counsel rather than the Attorney General at administrative hearings in order to achieve savings initially calculated at \$927,000 per year.\frac{1}{2} While I am skeptical of the assumptions underlying the proposal, you have not solicited my opinion on that score, so I will turn immediately to your questions.

You first ask whether the requirement that the Attorney General represent state agencies in judicial proceedings extends to administrative hearings. The answer to that question is yes. Government Code section 11042 states unequivocally that no state entity may employ counsel other than the Attorney General "in any matter in which the [entity] is interested, or is a party as a result of office or official duties." (Emphasis added.) The administrative hearings in issue are matters in which the Commission is a party as the result of its official duties, and thus the law requires that the Attorney General represent the Commission in those proceedings.

You next ask whether the Attorney General has any written guidance on state agencies providing in-house legal representation. It does. That guidance consists of a letter sent to the Commission and all other clients of the Attorney General on October 6, 2000, a copy of which I enclose for your convenience.

<sup>&</sup>lt;sup>1</sup>The total cost to the Commission for all of the Attorney General's services in fiscal year 2004-05, including court hearings as well as administrative hearings, was \$1,136,173. The proposal therefore assumes that in-house counsel will be able to do the work now being done by the Attorney General for about \$200,000.

Mary C. Armstrong October 11, 2005 Page 2

Of particular relevance to the Commission's proposal is the discussion on page 3 of the letter, which addresses the import of the several references in Government Code section 11040 to the requirement that state entities obtain the written consent of the Attorney General prior to employment of other counsel "in any judicial proceeding." In that regard, the letter first sets out the entire text of section 11040, which reads as follows:

- (a) This article does not affect the right of any state agency or employee to employ counsel in any matter of the state, after first having obtained the written consent of the Attorney General.
- (b) It is the intent of the Legislature that overall efficiency and economy in state government be enhanced by employment of the Attorney General as counsel for the representation of state agencies and employees in judicial and other proceedings.

The Legislature finds that it is in the best interests of the people of the State of California that the Attorney General be provided with the resources needed to develop and maintain the Attorney General's capability to provide competent legal representation of state agencies and employees in any judicial proceeding.

(c) Except with respect to employment by the state officers and agencies specified by title or name in Section 11041 or when specifically waived by statute other than Section 11041, the written consent of the Attorney General is required prior to employment of counsel for representation of any state agency or employee in any judicial proceeding.

(Emphasis added.) The letter then addresses the statute's focus on judicial proceedings, declaring:

[T]he exception in subdivision (c) of section 11040 [for judicial proceedings] must be read in light of the general rule [in] subdivision (a) that requires . . . agencies not otherwise exempt by statute to obtain the consent of this office to employ counsel other than the Attorney General. Subdivision (c) is not a grant of authority for state agencies to employ house counsel for non-litigation matters [i.e., matters other than judicial matters] absent statutory exemption from the provisions of Government Code sections 11042 and 11043.

(Emphasis in original.)



#### STATE OF CALIFORNIA

## OFFICE OF THE ATTORNEY GENERAL

BILL LOCKYER

PETER SIGGINS
Chief Departy Attorney General
Legal Affairs

October 6, 2000

To: Client Agencies of the California Department of Justice

Re: Employment of Counsel Other than the Attorney Genera

OCT 1 2 2005

Dear Clients:

The purpose of this letter is to set forth the position of tl

respect to requests for employment of counsel other than the Attorney General. The rules are
statutory and our position simply reflects existing law. While we are confident you have a
general familiarity with the operation of these rules, we believe it is helpful to explain them
again. We have reviewed our position as set forth in this letter with both the Office of Legal
Services of the Department of General Services and the Chief Counsel of the State Personnel
Board. We are working with those offices to ensure coordination and consistency in the
application of rules with respect to employment of counsel.

#### Role of the Attorney General

"The Attorney General has charge, as attorney, of all legal matters in which the State is interested, except the business of The Regents of the University of California and of such other boards or officers as are authorized to employ attorneys." (Gov. Code, § 12511.) Government Code, section 11042 provides: "No State agency shall employ any legal counsel other than the Attorney General or one of his assistants or deputies, in any manner in which the agency is interested." Government Code section 11043 provides in part: "Except as to State agencies and

<sup>&</sup>lt;sup>1</sup> The Attorney General is generally charged with the representation of the State and State officers in their official capacity. (Gov. Code, § 12512.)

<sup>&</sup>lt;sup>2</sup> Government Code section 11057 also provides that the Attorney General is the legal adviser to state departments in all matters relating to the department or the powers and duties of its officers.

laws specified in Section 11041 whenever any law authorizes any State agency to employ legal counsel other than the Attorney General, it shall be construed to refer to the Attorney General." Thus, Government Code sections 11042 and 11043 require every state agency to employ this office unless exempted under Government Code section 11041.

## II. Employment of Counsel Other than the Attorney General

Government Code section 11041 lists a number of agencies that may employ counsel other than the Attorney General and then generally exempts any other agency that is expressly exempted by another statute. It provides:

"Sections 11042 and 11043 do not apply to the Regents of the University of California, the Trustees of the California State University, Legal Division of the Department of Transportation, Division of Labor Standards Enforcement of the Department of Industrial Relations, Workers' Compensation Appeals Board, Public Utilities Commission, State Compensation Insurance Fund, Legislative Counsel Bureau, Inheritance Tax Department, Secretary of State, State Lands Commission, Alcoholic Beverage Control Appeals Board (except when the board affirms the decision of the Department of Alcoholic Beverage Control), State Department of Education, and Treasurer with respect to bonds, nor to any other state agency which, by law enacted after Chapter 213 of the Statutes of 1933, is authorized to employ legal counsel."

In addition to the agencies listed in Government Code section 11041, there are a number of agencies which, "by law enacted after Chapter 213 of the Statutes of 1933, [are] authorized to employ legal counsel." The extent to which agencies exempted under section 11041 are authorized to represent themselves varies. Some agencies are expressly authorized to represent themselves for all purposes — for example, the Department of Personnel Administration (Gov. Code, § 19815.6). Also there are agencies that by statute are permitted to employ house counsel, but are restricted from representing themselves in court, — for example, the Department of General Services (Gov. Code, § 14610) and the Department of Water Resources (Water Code, § 127). There are agencies that may represent themselves for limited purposes, but are not otherwise exempt from the requirements of Government Code section 11042 and 11043. For example, section 11041, itself provides for an exemption for the State Treasurer with respect to bond work.

Government Code section 11040 provides for authorization of counsel other than the Attorney General on a case by case basis; it reads:

<sup>&</sup>lt;sup>3</sup> "State agency" is defined in Government Code section 11000 to include every state office, officer, department, division, bureau, board, and commission.

- "(a) This article does not affect the right of any state agency or employee to employ counsel in any matter of the state, after first having obtained the written consent of the Attorney General.
- "(b) It is the intent of the Legislature that overall efficiency and economy in state government be enhanced by employment of the Attorney General as counsel for the representation of state agencies and employees in judicial and other proceedings. The Legislature finds that it is in the best interests of the people of the State of California that the Attorney General be provided with the resources needed to develop and maintain the Attorney General's capability to provide competent legal representation of state agencies and employees in any judicial proceeding.
- "(c) Except with respect to employment by the state officers and agencies specified by title or name in Section 11041 or when specifically waived by statute other than Section 11041, the written consent of the Attorney General is required prior to employment of counsel for representation of any state agency or employee in any judicial proceeding."

The phrase in subdivision (c) of Government Code section 11040, "or when specifically waived by statute other than Section 11041," emphasizes that an agency authorized by statute to employ house counsel, may not employ its house counsel in judicial proceedings absent the consent of this office. Only agencies (other than those named in Government Code section 11041) that are specifically authorized to employ counsel other than the Attorney General to represent themselves in judicial proceedings are exempt from the provisions of Government Code section 11040. (See, e.g. Gov. Code, § 19815.6 [Department of Personnel Administration]; Gov. Code, § 17529 [Commission on State Mandates]).

Additionally, the exception in subdivision (c) of section 11040 must be read in light of the general rule subdivision (a) that requires the consent of agencies not otherwise exempt by statute to obtain the consent of this office to employ counsel other than the Attorney General. Subdivision (c) is not a grant of authority for state agencies to employ house counsel for non-litigation matters absent a statutory exemption from the provisions of Government Code sections 11042 and 11043. Such authority still must be found in another statute. (E.g., Gov. Code, § 14610, Water Code, § 127.)4

We recognize that many agencies employ attorneys through civil service to work in a "staff counsel" capacity and that some of these agencies may not have a statutory exemption from the provisions of Government Code sections 11042 and 11043 and without the written consent of this office. It does not necessarily follow that these agencies are in violation of Government Code section 11040. We recognize there are circumstances that attorney positions

## III. Employment of Outside Counsel by Contract

Government Code section 11040 makes no distinction between civil service and contract counsel. If an agency may employ counsel without the Attorney General's consent, whether it is done by contract or through civil service is an issue of the law related to civil service. (See State Compensation Insurance Fund v. Riley (1937) 9 Cal.2d 126, 130-131 [interpreting former Political Code § 473a].) A conflict of interest on the part of the Attorney General is a justification for contracting with outside counsel. (Gov. Code, § 19130 subdiv. (b)(7).) However, conflict of interest is not the only reason for our consent. Consent may be based upon lack of resources or expertise of this office. This determination is within the sole discretion of the Attorney General. (See People ex rel Dept. of Fish and Game v. Attransco, Inc. (1996) 50 Cal.App.4th 1926, 1937.) This office will deny requests for outside counsel where is it is apparent that the proposal would violate civil service law. However, we do not investigate our client's factual justifications to ensure compliance with the laws of civil service. (See Pub. Contract Code, § 10355 subdiv. (b) [discussed below].) While our reasoning for providing ' consent may support justification for employment of outside counsel in a particular case (see People ex rel Dept. of Fish and Game v. Attransco, Inc, supra at 1935-1937), it is not the sole determining factor for purposes of civil service law. It is the Department of General Services and the State Personnel Board that have the primary authority and duty to ensure compliance with civil service law. (See Gov. Code, §§ 19130-19132; Pub. Cont. Code, §§ 10355, 10337.) Either one of those agencies may find a contract does not comply with civil service requirements despite the consent of this office under Government Code section 11040.

Public Contract Code section 10355 requires the approval of the Department of General Services for consultant services contracts. Subdivision (b) of that section provides:

"(b) In exercising its authority under this article with respect to contracts for the services of legal counsel, other than the Attorney General, entered into by any state agency that is subject to Section 11042 or Section 11043 of the Government Code, the department, as a condition of approval of the contract, shall require the state agency to demonstrate that the consent of the Attorney General to the employment of the other counsel has been granted pursuant to Section 11040 of the Government Code. This consent shall not be construed in a manner that would authorize the Attorney General to establish a separate program for reviewing and approving contracts in the place of, or in addition to, the program administered by the department pursuant to this article."

in state agencies may not constitute counsel other than the Attorney General for purposes of Government Code section 11040. (See *U'ren v. State Board of Control* (1916) 31 Cal.App. 6; 17 Ops.Cal.Atty.Gen. 86 (1951).)

Accordingly, employment of outside counsel by contract even for in-house or "consultant" legal services requires the consent of this office unless the agency is exempt from the requirement to use the Attorney General in Government Code sections 11042 and 11043.<sup>5</sup> On the other hand, agencies that are exempt from the provisions of Government Code section 11042 and 11043 do not require the consent of this office under Government Code section 11040 to contract with outside counsel. This does not mean exempt agencies should refrain from requesting the services of this office before contracting out for such services when their agency counsel are unable to provide representation. Subdivision (b) of Government Code section 11040 includes a legislative finding that agencies should use the Attorney General's Office whenever possible. Providing this office with a "right of first refusal" permits the agency to obtain civil service counsel at a very reasonable cost. In cases where this office declines to represent the agency, the fact we were not available may be of assistance in justifying contracts for outside counsel.

The last sentence of subdivision (b) of Public Contract Code section 10335 clarifies that it is not the role of this office to approve outside counsel contracts. An agency which obtains our consent under Government Code section 11040 does not need further approval from this office. However, this office does collect information related to the contracts actually entered and requires agencies upon amendment or renewal of a contract to obtain our consent again. The prime purpose of obtaining copies of the contracts and approving amendments is to ensure that the legal representation obtained by the client is within the scope of our consent.

In addition we collect information to monitor the overall use and cost of outside counsel for purposes of assessing our own resources. We use the information to advise agencies as to possible conflicts or to provide agencies with prospective law firms in cases where our consent is required.

# IV. Summary of Position of the Attorney General as to Requests for Consent to Employ

Public Contract Code section 10351 permits the Department of General Services exempt consultant contracts including contracts for legal services under \$75,000 from its review and approval if the agency complies with the requirements of that section. One such requirement is that the agency establish written procedures and policies that will ensure its contracting complies "with applicable provisions of law and regulations." Thus, the consent of this office is still required for legal services contracts which the Department of General Services has permitted to be exempt from its review under Public Contract Code section 10351.

<sup>&</sup>lt;sup>6</sup> The State Contracts Manual section 3.07 subdivision (B) provides: "Consent to amend the contract must also be obtained from the Attorney General before seeking DGS/OLS approval of any amendment."

#### Counsel other than the Attorney General

On the basis of the statutory rules discussed above, our office takes the following positions on requests for employment of counsel other than the Attorney General under Government Code section 11040:

- An agency that is exempt from the provisions of Government Code sections 11042 and 11043 does not need our consent under section 11040 and should not seek it. If such an agency requires legal services which its authorized legal staff cannot provide, it is encouraged to check whether this office would be willing to undertake the representation through an interagency agreement. While we are not mandated to take such a case, we may be able to handle it. While we do not make civil service compliance determinations, whether the Attorney General has civil service staff available for such a case would be a factor to be considered by the agency in deciding whether to contract with private counsel.
- B. An agency that is not exempt from the provisions of Government Code sections 11042 and 11043 with respect to the legal representation it seeks, must obtain the written consent of this office under Government Code section 11040. This rule applies to counsel whether employed through civil service or contract for inhouse representation or litigation.
- C. An agency currently authorized to employ house counsel notwithstanding the provisions of sections 11042 and 11043<sup>7</sup> still require our consent for such counsel to appear in any judicial litigation unless exempt under the provisions of Government Code section 11040 subdivision (c).
- D. Likewise, agencies permitted to employ their own litigation counsel for specific purposes are required to obtain our consent when the representation does not relate to the specific purposes.
- E. Consent under Government Code section 11040 will be granted on the basis of a conflict of interest, lack of expertise, or lack of resources of this office. This office will neither undertake a review nor make a determination as to lack of resources or expertise available outside of this office to the agency through civil service. However, where it appears that such expertise or resources are readily available within civil service, we most likely will refuse to give our consent for the employment of outside counsel.

We assume existing house counsel positions are authorized by statute or covered by the rationale of our opinion, 17 Ops. Cal.Atty.Gen. 86 (1951). (See footnote 4, supra.) However, the

- F. Our consent is most often accompanied by a request for information regarding the counsel to be employed. We also ask clients for a copy of the contract. We do not approve the contracts. The choice of counsel is for the agency to determine. The purposes of our request for the information are (1) to ensure the contract is for services within the scope of our consent, (2) to check for possible conflicts of interest arising from the employment of the particular counsel, and (3) to maintain a data for purposes of inquires from agencies looking for counsel with a particular expertise and for legislative and other inquiries with respect to our consents.
- G. We require our consent to be obtained for any amendment to the contract. This is a way of ensuring the services are still within the scope of our consent.
- H. Monitoring of the work of contract counsel is the responsibility of the agency employing the counsel and not the Attorney General.

I hope this information is useful to you. If you have any questions, please do hesitate to let me know.

Sincerely,

PETER SIGOPAS

Chief Deputy Attorney General

Legal Affairs

FAX (916) 323-6735

# CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

DIVISION OF PROFESSIONAL PRACTICES 1900 Capitol Avenue Sacramento, California 95814-4213 (916) 445-0243



Via Facsimile and U.S. Mail

October 21, 2005

Mr. Thomas Yanger Senior Assistant Attorney General Office of the Attorney General 1300 I Street Sacramento, CA 95814

Dear Mr. Yanger:

The Commission on Teacher Credentialing (CCTC) appreciates your prompt response to our inquiry regarding the representation of the CCTC by your office. Your response raised some additional issues that need clarification before our report is sent to policymakers.

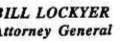
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In your letter, you state that "(because paralegal work does not constitute the practice of law, the Government Code does not require that (the drafting of accusations) be done by the Attorney General." According to reports furnished by your office, during Fiscal Year 2004-2005, the Office of the Attorney General billed the CCTC for approximately 5100 hours of paralegal or legal analyst work. We realize that not all of this work was dedicated solely to the drafting of accusations. Can your office furnish a breakdown of the number of hours the CCTC was billed solely for work done in connection with the preparation of accusations? Can you provide further information regarding the staffing numbers and levels necessary to accomplish this task? Does your office currently handle representation at administrative hearings where the accusations have been drafted by the client agency? If so, do you have any data regarding whether this process has led to significant cost savings for the client agency, or does utilization of this process still result in significant billing by your office for "pre-hearing" activities?

Since our internal deadline for preparation of the report is November 3, 2005 we would appreciate a response to this inquiry as soon as possible. We apologize for the short timeframe caused in part by our Commission meeting agenda deadlines. Thank you for your attention to this matter.

Very truly yours,

Mary C. Armstrong, Director Division of Professional Practices



# State of California DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125 P.O. BOX 944255 SACRAMENTO, CA 94244-2550

Public: (916) 455-9555 Telephone: (916) 324-2500 Facsimile: (916) 324-5567

E-Mail: Thomas. Yanger@doj.ca.gov

October 26, 2005

Mary C. Armstrong Director, Division of Professional Standards Commission on Teacher Credentialing 1900 Capitol Avenue Sacramento, CA 95814

## Dear Ms. Armstrong:

I write in response to your letter of October 21, 2005, in which you ask to be furnished a breakdown of HEW paralegal work that was dedicated solely to the drafting of accusations in fiscal year 2004-2005. A report providing that information is enclosed. The report shows that HEW paralegals devoted a total of 1,518.75 hours in fiscal year 2004-2005 to the task described as "Paralegal prep of draft initial pleading."

You also asked whether I could provide further information regarding the staffing numbers and levels necessary to accomplish the task of drafting the initial pleading. Each paralegal in the Department of Justice is expected to work a total of 1,778 hours per year. Assuming a paralegal could be devoted entirely to preparing the initial pleadings for Commission cases, and assuming the time consumed in that effort would be similar to that reported above by HEW paralegals for fiscal year 2004-2005, one paralegal would be required for that effort (1518.75 + 1,778 = .85, or one full position). HEW currently retains four paralegals whose duties include, but are not limited to, preparing the initial pleadings in Commission administrative cases.

You also asked whether this office currently handles representation at administrative hearings where the accusations have been drafted by the client agency. As far as I am aware, only the Licensing Section within this office has any experience with that arrangement. Specifically, the Licensing Section has one client, the Bureau of Security and Investigative Services, which drafts some, but not all, of its own accusations: those involving very simple matters like criminal conviction cases where the conviction is clearly substantially related to the duties, functions, and qualifications of the license in question.

Mary C. Armstrong October 11, 2005 Page 3

You next ask, assuming the Government Code requires that the Attorney General represent state agencies at administrative hearings, whether it also requires that paralegal or legal analyst work, such as the drafting of accusations, be performed by the Attorney General. Whether work must be done by the Attorney General turns on whether the work constitutes the practice of law. (12 Ops. Atty. Gen. 176 (1948); *U'ren v. State Board of Control* (1916) 31 Cal.App. 6, 8.) Because paralegal work does not constitute the practice of law, the Government Code does not require that this work be done by the Attorney General. I will reiterate, though, that making an appearance for a party in an administrative hearing constitutes the practice of law.

Next, you ask whether the Attorney General maintains a list of state agencies that it does not represent, or that have received a section 11040 consent, or both. We do not maintain such lists, although section 11041 itself lists agencies that are not required to employ the Attorney General's office for their legal services. In addition, we maintain copies of letters in which we authorize agencies to retain outside counsel, or in which we identify these authorizations, but we do not disclose these letters without client permission because of concerns about attorney-client confidentiality.

Next, you ask the procedure for requesting consent pursuant to section 11040. The request should be made in a letter to James M. Humes, the Chief Assistant Attorney General for the Civil Law Division. The details of what the request should address are set out on pages 5 and 6 of the enclosed October 6, 2000 letter. I will note here that such requests are not routinely granted. The Attorney General takes very seriously his charge from the Legislature to enhance overall efficiency and economy in state government by providing efficient, economical legal representation, and believes, with considerable justification, that representing state entities in judicial and other proceedings accomplishes precisely that. Furthermore, the trend has been for this office to increase rather than to decrease its role in handling disciplinary matters because the practice helps to alleviate conflicts problems that arise when agency counsel perform both prosecutorial and advisory functions.

Finally, you ask whether I have an opinion concerning the length of time needed to transition the Attorney General's current Commission caseload back to the Commission and whether I have any examples of this process having occurred. In my opinion, the length of time needed would depend entirely upon the time it would take the Commission's attorneys to review and understand the history of each case. The case files are typically of modest size, so I think that an attorney should be able to become familiar with one in no more than eight hours. The Attorney General's Office currently has 75 open Commission cases, so depending upon how many attorneys you devote to that effort, the transition could take from one week to three months. I have no examples of the process having occurred.

Mary C. Armstrong October 11, 2005 Page 4

If you wish additional information or further elaboration upon the answers given above, you have only to let me know, and I will provide it.

Sincerely,

THOMAS R MINGER

Senior Assistant Attorney General

For BILL LOCKYER Attorney General

TRY/mca Enc.

cc: Sam W. Swofford, Ed.D. (w/enc.)
James M. Humes (w/enc.)

Mary C. Armstrong October 26, 2005 Page 2

The office does not have any data regarding whether this process has led to significant cost savings for the Bureau, but Alfredo Terrazas, the Senior Assistant Attorney General of the Licensing Section, is skeptical that it has, because even though his section has provided training to the Bureau on how to prepare these rather straightforward pleadings, the section has found it necessary to have a deputy review the accusations in every case, and on many occasions, significant changes have to be made before they are filed.

Although no data exists to confirm or discount Mr. Terrazas's opinion, I think the Commission would do well to be cautioned by it. A good deal of the work done in drafting the initial pleading consists of determining whether there is admissible evidence to support each of the bases cited by the Commission for disciplining a teacher, then crafting the pleading to include only those bases supported by such evidence. That is frequently a laborious task, and usually requires interaction with the attorney who will take the case to hearing. Unless Commission paralegals adopted the same approach, the work done by HEW to conform the pleadings to the evidence would not be significantly reduced. And if that approach were employed, it is difficult to see how Commission paralegals, who would not be co-located with the attorneys trying the cases, could do the job more efficiently.

Before closing, let me assure you that this office heartily supports the Commission's efforts to reduce litigation costs, and while we are skeptical that having the Commission hire its own paralegals will accomplish that goal, we welcome further discussions on how to attain it. And certainly, as suggested by the enclosed report, the Attorney General's new ProLaw database gives both the Commission and this office a powerful tool to achieve that end.

Sincerely,

THOMAS/R YANGER

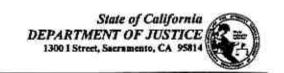
Senior Assistant Attorney General

For

BILL LOCKYER Attorney General

TRY/mca Enc.

cc: Sam W. Swofford, Ed. D. James Humes Alfredo Terrazas

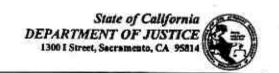


# **HEW Legal Assistant Hours**

# For the Commission On Teacher Credentialing

Fiscal Year 2004-2005

		essional Prac		V151
		ep of draft initial	1	
Bennett, Ja		SA2004103771	36.75	\$3,3
Bhare, Ron	nald	LA2004AD0196	25.00	\$2,2
Boateng, K	wame	LA2005100762	6.75	\$8
BRAUNS, I	DEIDRA	SA2004AD0131	23.50	\$2,1
Brito, Lucio		LA2004101892	20.50	\$1,8
Bushnell, S	cott Alan	SF2004103035	55.00	\$5,0
Carlson, Ma	ark Alan	LA2005101387	33.25	\$3,00
Castilo, Ke	ith	LA2004102673	36,25	\$3,29
Cox, Bever	У	SA2005100314	30.00	\$2,73
DITTER,AU	ISTIN	SA2004AD0132	29.25	\$2,68
Dodge, Jan	ice M.	LA2004104306	60.50	\$5,50
FARMER, N	CENNETH	SA2003AD1508	21.50	\$1,9
Garcia, Mar	co Antonio	LA2004101911	74.75	\$6,8
GARRIDO,	CARLOS F.	SA2004AD0071	22.75	\$2,0
Gaulden, Ju	liana	SD2005102298	2.25	\$20
Gray, Patric	ia J.	LA2004103010	40.00	\$3,64
Hagopian, S	ilove	SA2004102719	57.75	\$5,28
Hartmire, Go	ordon	LA2004103370	34.00	\$3,09
Hoyt, Fred L	-	LA2004AD0197	39.00	\$3,54
Jones, Jeffre	ey P.	LA2004101916	3.50	\$31
Kercheval, F	atrick Stephen	LA2004103223	45.00	\$4,09
Kimball, Jen	nifer J.	LA2004100965	48.00	\$4,36
Kok, Philip A	Inthony	LA2003AD1495	29.75	\$2,70
Lee, Sharon	Elaine	SA2003AD0746	4.25	\$38
Luna-Teach,	Marie Denise	LA2004102675	44,50	\$4,04
Marve, Kimb	eeu R.	LA2005100800	7.50	\$68
Mayland, Ma	irsha	SA2004102748	2.50	\$22
Miranda, Loc	ırdes	LA2004101947	5.50	\$50
O'NEILL, TEI	RENCE	SA2004AD0096	1,75	\$15
Orona, Jose	ph	LA2004103148	34.25	\$3,11
Pai, Karen L		SA2004AD0193	77.50	\$7,05
Parra, Henry	5	SA2005101450	10.50	\$95
Peters, Mich		SA2005101306	40.25	\$3,66
Phelps, Mich		SF2004104314	30.25	\$2,75
Rhodes, Chr		LA2005300031	49.00	\$4,45
Richard, Mich		LA2004101614	2.00	\$18
Rishel, Willia	HPE-1	SF2004102947	41.00	\$3,73
12.00-200-200-200-200-200-200-200-200-200	ark Alexander	SF2003AD0678	2.00	\$18
Rupp, Carol I	The state of the s	SF2004AD0090	5.75	\$52



# **HEW Legal Assistant Hours**

# For the Commission On Teacher Credentialing

Fiscal Year 2004-2005

	Respondent	THE SHAPE	HOLES	4-51/4
	Sargent, Faye	LA2004102681	19.50	THE OWNER OF THE OWNER,
	Schulman, Marc David	LA2004100941	32.50	\$2,957.50
	Seifert, Lisa McBryde	LA2005100288	20.50	\$1,855.50
	Spahr, Peter C.	SA2004103036	21.75	\$1,979.25
	TENNEY, CHARLES RICHARD	SF2003AD0664	4.25	\$386.75
	Toska, Anny	LA2004101884	2.00	\$182.00
	Trammell, Doreen Marie	LA2004102671	47.00	\$4,277.00
	TUCKER, DENISE LYNNE	LA2003AD1334	12.00	\$1,092.00
	Vandervest, James R.	LA2004103149	18,00	\$1,638.00
	Vega, Pete R.	SA2005100212	45.75	\$4,163.25
	Vernon, Jack	SA2004102740	43.75	\$3,981.25
	Williams, Dennis Klett	SA2003AD0745	49.75	\$4,527.25
	Williams, Ronald McKinley	LA2004103365	39.75	\$3,617.25
	Wright, Joseph Anderson	LA2004101810	24.75	\$2,252.25
Totals For Admin-02 Paralegal prep of draft initial pleading			1,518.75	\$138,206.25
Totals For 06241 Professional Practices			1,518.75	\$138,206.25
Totals			1,518.75	\$138,206.25